

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

NELSON CANAS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

NO. 1:07-CV-637-AWI

NO. 1:02-CR-5366-AWI-SMS

ORDER MODIFYING
JANUARY 5, 2010 ORDER
GRANTING PETITIONER'S
REQUEST FOR RELIEF
UNDER 28 U.S.C. § 2255

On January 5, 2010, the court issued an order (Doc. No. 243) that allowed Petitioner Nelson Canas ("Petitioner") to withdraw his plea of guilty and directed him to submit his withdrawal, if any, within 30 days of service of the order. In addition, the court stated that if Petitioner elected to withdraw his plea of guilty, at that juncture, the court would set the matter for a further status hearing.

Upon further review, the court intends on reopening Petitioner's criminal case and referring Petitioner's case to the Federal Defender's Office for appointment of counsel. A status conference will be set for March 1, 2010.

ORDER

For the reasons set forth above, this court orders the following:

1. Clerk of the Court is directed to reopen Petitioner's criminal case (1:02-CR-5366-AWI-SMS);

2. Petitioner's case is referred to the Federal Defender's Office for appointment of
counsel; and

3. A status hearing is set for March 1, 2010 at 9:00 a.m. in Courtroom 2.

IT IS SO ORDERED.

Dated: January 22, 2010

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE